

Tennessee Trial Court Vacancy Commission
Application for Nomination to Judicial Office

04/15/16

Name: _____
Dominic J. Leonardo

Office Address: _____
(including county) Kooperman, Mondelli & Leonardo
603 Woodland Street
Nashville, Davidson County, Tennessee 37206-4211

Office Phone: _____ (615)-259-1214 Facsimile: (615)-259-1779 _____

INTRODUCTION

Tennessee Code Annotated section 17-4-301 et seq. charges the Trial Court Vacancy Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website www.tncourts.gov). The Commission requests that applicants obtain the word processing form and respond directly on the form. Respond in the box provided below each question. (The box will expand as you type in the document.) **Review the separate instruction sheet prior to completing this document. Submit by the noon deadline date an original (unbound) completed application (with ink signature) to the Administrative Office of the Courts.** In addition, submit a digital copy with

electronic or scanned signature via email to debra.hayes@tncourts.gov, or via another digital storage device such as flash drive or CD.

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

PROFESSIONAL BACKGROUND AND WORK EXPERIENCE

1. State your present employment.

Attorney

2. State the year you were licensed to practice law in Tennessee and give your Tennessee Board of Professional Responsibility number.

2004- BPR No. 023308

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

Tennessee, BPR No. 023308

April 2004

Active

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

No.

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

September 2004- Present: Attorney at Law- I am a trial attorney who is a solo practitioner maintaining a general practice of both criminal and civil cases. My primary areas of concentration are criminal law, family law, personal injury litigation, contract litigation and

probate law. I also serve as a Rule 31 listed civil and family mediator and have conducted both tort and family law mediations.

September 2001- September 2004: Law Clerk for The Honorable Steve R. Dozier, Judge of Division I Criminal Court- 20th Judicial District- I was fortunate to be hired as a Law Clerk/Court Officer in Davidson County Criminal Court. My responsibilities included drafting Orders on matters concerning bond, suppression motions, motions for new trial, sentencing memorandums, severance, 412 and 404(b) issues, post-convictions petitions, Habeas Corpus Petitions and motions in Limine. I was also responsible for Rule 12 reports to the Supreme Court and extensive research on a wide range of criminal jurisprudence. As a Court Officer, I transported inmates to court, oversaw the care and control of empaneled juries and participated in court with almost one hundred (100) jury trials including death penalty cases.

August 2016- Present: Councilman- Davidson County Metropolitan City Council- I was elected in August 2016 to fill the vacant District 1 Metro council seat. District 1 is geographically the largest councilmanic district and includes the communities of Bordeaux, Joelton, Scottsboro/Bells Bend and Whites Creek. This councilmanic district has the second highest number of minority constituents in Davidson County and the needs between each community are as separate and distinct as the people.

6. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

I am a general practitioner and consider myself a trial lawyer with ninety percent (90%) of my practice being litigation in courtrooms in Nashville and middle Tennessee. I have consistently practiced criminal, family and general civil law since I was licensed in 2004. Criminal law is approximately sixty percent (60%) of my practice, family law comprises twenty-five percent (25%) and general civil litigation comprises the remaining fifteen percent (15%).

7. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters.

I have practiced law in state trial courts before every judge and chancellor, except one, in the Twentieth Judicial District. My practice has also taken me to most of the state trial courts in the Middle Tennessee area. The experience of handling different subject matters in different courtrooms around Middle Tennessee provides me with a unique perspective on how courts transact business differently. I have observed models that appear to operate more efficiently for lawyers and litigants and seek to bring this efficiency to the bench if selected.

I have handled numerous criminal cases before all of the Criminal Court judges in Davidson County. Although the majority of my cases are resolved in negotiated plea agreements, I have averaged approximately one (1) jury trial per year. Examples of criminal charges that I have handled include but are not limited to: murder, aggravated sexual battery and rape of a child, aggravated burglaries and assaults, kidnapping, possession of controlled substances for re-sale and conspiracies involving "Drug Free School Zone" charges with multiple co-defendants, "crooks with guns" charges, multiple offense DUIs, sex offender registry violations, domestic and simple assaults, probation violations, community-corrections violations, and sentencing hearings. Additionally, I have extensive experience in post-conviction and habeas corpus petitions and that knowledge is essential for all criminal court judges. I was once successful on a Post-Conviction petition and that is extremely rare given the elements and heightened standard of proof. My criminal practice routinely includes motion practices in matters regarding bond, suppression, dismissal, severance, new trial, limine, T.R.E. 404(b) and 412, and requests for special jury instructions.

A large portion of my practice consists of probate and general litigation in circuit and chancery courts. I have served as lead counsel in million dollar collection cases, GTLA litigation, contract and personal injury cases, wrongful death cases, and workman's compensation cases. As it pertains to probate matters, my practice has included conservatorships, guardianships, administration of estates and trusts, will contests, muniment of title petitions and serving as an attorney ad litem. I have also drafted numerous wills, trusts, living wills and durable powers of attorney for clients. There have been times in my practice when a client needed immediate relief and the pace of litigation was not sufficient to protect their interests. As a remedy, I have initiated multiple chancery court actions requesting extraordinary relief in partnership matters, corporate dissolution matters, and cases seeking rescission or reformation of poorly drawn contracts. Additionally, I have filed certiorari petitions in chancery court challenging decisions by administrative agencies in matters regarding the Tennessee Sex Offender Registry, liquor and beer regulations, aquatic resource alteration permits and anti-degradation.

Domestic relations cases are another substantial part of my civil practice. I have handled divorce cases, adoptions, orders of protection, grandparent visitation case and parenting time disputes. Aside from divorces, the majority of my family law cases are post-divorce modifications of child support, parenting time and alimony. As a result of the 2011 amendment to Tenn. Code Ann. 36-6-106(a), I am filing more post-divorce petitions on behalf of qualified fathers seeking to modify residential parenting schedules in effort maximize their participation in the life of their children. I have represented clients in several family law cases that, although difficult, had noteworthy outcomes. Most recently, I received a circuit court ruling in favor of a mother that ordered an upward deviation from the Tennessee Child Support Guidelines in the amount of \$7,200.

Appellate court litigation has also been a part of practice. I have filed direct appeals to the Tennessee Court of Criminal Appeals after clients have been convicted. Additionally, I have represented clients in the Tennessee Court of Criminal Appeals seeking review of post-conviction and habeas corpus rulings. I have also handled appeals of orders of protection, probate matters and tort and contract claims in the Tennessee Court of Appeals. I strongly believe that appellate practice enables attorneys to be more effective as trial lawyers.

I have appeared before administrative agencies, local beer boards and state administrative law judges. I have sought relief in administrative appeals for clients that have been indicated. I once successfully filed a pro bono administrative appeal, on behalf of a family whose son was murdered, seeking an award from the victim's compensation fund. In the last couple of years I have been more involved in administrative contested cases at the state level. Most recently, I represented the Sierra Club in a four (4) day trial in an administrative proceeding against TDEC challenging the issuance of ARAP permits and the application of the Anti-Degradation rules to the destruction of an ETW wetland in Cookeville, TN.

In the past few years I have performed more document drafting and transactional work for various clients buying and selling going concerns such as landfills, recycling centers and medical and dental practices. Examples of recent documents I have drafted are: asset purchase agreements, assignments, deeds of trust and notes, warranty and quit claim deeds, commercial lease agreements, lease purchase agreements, guarantor or surety agreements.

8. Describe any matters of special note involving your practice in trial courts, appellate courts, and administrative bodies.

First Tennessee Bank National Association v. Shelby Village Mobile Home Park LLC et al.- 2014WL4217404 (Tenn. Ct. App June 22, 2015 at Nashville)- This case went all the way to the United States Supreme Court and certiorari was denied. (135 S.Ct. 2862 cert. denied 6/22/15) This case involved several state and federal issues stemming from the sale of a mobile home park by my clients to a third party. The park was destroyed in the 2010 flood and my clients remained guarantors by accommodation on the underlying note. The purchasers defaulted on the note. The bank sued all parties to the transaction and attempted to use the cross collateralization provisions in the instant note to call forty (40) unrelated notes due at the same time in an effort to force my clients to pay immediately or seek the protection of an automatic stay in bankruptcy court. My clients prevailed in the trial court, Tennessee Court of Appeals and The United States Supreme Court.

Heather Waterhouse v. Troy Waterhouse- (04D-531) This was a post divorce matter in Davidson County Fourth Circuit Court wherein I represented the Mother and was awarded an upward deviation from the child support guidelines in the amount of \$6,700.00 per month. The Court entered the order on February 13, 2017.

9. Describe any other legal experience, not stated above, that you would like to bring to the attention of the Commission.

2008-Present: I am the CBS Legal Analyst for the News Channel 5 Network here in Nashville. In addition to regular weekly interviews, I also cover gavel-to-gavel criminal trials in real time. I have done over 1,000 hours of live television covering criminal trials over the years. During our

trial coverage, the trial is aired live and during a recess or lunch break I take love phone calls on the air with my co-host Nick Beres.

10. List and describe all prior occasions on which you have submitted an application for any state or federal judicial position.

Not applicable.

EDUCATION

11. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

1994-1995 Aquinas College: Attended first year of college. I left Aquinas and transferred to the University of Tennessee at Knoxville. While attending Aquinas, I was appointed to the student council by the Dean of the Liberal Arts program.

1995-1998 University of Tennessee at Knoxville: (B.A. Honors in Political Science).

1997-1998 President of *Pi Sigma Alpha*- The National Political Science Honor Society

1997-1998 Honors program for Political Science and successfully defended a thesis on Substantive Due Process

1999-2004 Nashville School of Law : (J.D.)

2002- Recipient of the Luther E. Cantrell scholarship

PERSONAL INFORMATION

12. State your date of birth.

Age 41. Date of Birth : November 25, 1975.

13. How long have you lived continuously in the State of Tennessee?

All of my life.

14. How long have you lived continuously in the county where you are now living?

Approximately 19 years.

15. State the county in which you are registered to vote.

Davidson

16. Describe your military service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

Not applicable.

17. Have you ever pled guilty or been convicted or are now on diversion for violation of any law, regulation or ordinance other than minor traffic offenses? If so, state the approximate date, charge and disposition of the case.

No.

18. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

No.

19. Please identify the number of formal complaints you have responded to that were filed against you with any supervisory authority, including but not limited to a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you. Please provide any relevant details on any such complaint if the complaint was not dismissed by the court or board receiving the complaint.

In approximately 2007, a complaint was filed against me with the Board of Professional Responsibility. The complainant was not a former client or someone with whom I was personally acquainted and simply had me confused with another attorney. The BPR dismissed the complaint. I did not maintain any records that would allow me to provide any more details on this matter.

20. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

No.

21. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

No.

22. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

Marvin McDonald v. Tami Leonardo, Phyllis Leonardo and Dominic Leonardo (93C-1230) Davidson County Circuit Court. This was a tort complaint filed against me when I was sixteen (16) years old as a result of a Motor Vehicle accident. The insurance settled with the Plaintiff and the case was dismissed.

Dominic J. Leonardo v. Ashli Leonardo (11D-3328)- Davidson County 2nd Circuit Court. This was a divorce proceeding with one minor child and post-divorce matters primarily surrounding parenting time. All matters have been satisfactorily resolved.

23. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

2011- Present: Christ the King Church- (Parishioner)

2007- Present: YMCA Board of Directors (Member)

--2012-2013 Chairman of the Board

2014-Present: "Why We Can't Wait" Board of Directors (Member)

2015-Present: "Concerned Citizens for a Clean and Safe Environment" Steering Committee (Member)

2011- Present: Centre Star Lodge #409 F&AM (Master Mason)

2013- Present: Al Menah Shrine Temple (Noble)

24. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.
- If so, list such organizations and describe the basis of the membership limitation.
 - If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

Yes.

a. Centre Star Lodge #409 F&AM, Whites Creek TN- (Master Mason) This is a Masonic Lodge that limits its membership to males. However, there are sister Masonic organizations like the "Eastern Star" that limit their membership to females.

b. I do not intend to resign from the Masonic Lodge is selected. The Masons are a fraternal organization that helps those less fortunate and mentor to young men. They remain dedicated to helping widows and orphans.

a. Al Menah Shrine Temple, Nashville TN- (Noble) This is a philanthropic fraternal organization for men of good character that helps burned and crippled children. The organization limits its membership to males.

b. I do not intend to resign from the Shrine if selected. Shriners do amazing things to help children that have suffered an extreme bodily trauma and the service is free to the recipients.

ACHIEVEMENTS

25. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

2016- Present: Tennessee Bar Association

26. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

2013- Emmy nomination as CBS Legal Analyst: National Academy of Television Arts and Sciences- Mid-South Chapter

2015- Emmy nomination as CBS Legal Analyst: National Academy of Television Arts and Sciences- Mid-South Chapter

27. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

August 2015 (Candidate)- District 1 Metropolitan Nashville Davidson County City Council.

August 2016 (Elected to finish unexpired term)- District 1 Metropolitan Nashville Davidson County City Council

ESSAYS/PERSONAL STATEMENTS

28. What are your reasons for seeking this position? *(150 words or less)*

As I humbly seek to increase my share as a stakeholder in taking greater ownership in the outcome of justice, I am compelled to apply for this vacancy. My background allows me to relate equally to both victims and defendants making me cognizant of the importance of creating and maintaining a courtroom environment wherein the state and defense are held to the same firm and uncompromising expectations and standards. Integrity, compassion, temperance, diligence and work ethic are essential attributes that should be reflected in our judiciary to ensure public confidence in our criminal justice system. I have demonstrated these attributes as an attorney and seek an opportunity to contribute them to the judiciary. If appointed, I am comfortable and confident I can hold the office in the upcoming election as I previously ran two contested elections and am already very actively engrained in the Nashville community as a Metro Councilman.

29. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. *(150 words or less)*

I am seeking to fill the vacancy of Division II Criminal Court. The six (6) Criminal Courts in the 20th Judicial District preside over cases ranging from DUI to those seeking the death penalty. In 2016, Division II had fourteen (14) jury trials- more than any other criminal court- as well as the second highest number of workdays dedicated to trying cases at forty-two (42) days. Between 2016 and the second quarter of 2017 the average number of days from arrest to disposition in

Division II was up an average of 57.1 days to 348 days. I believe we are seeing a higher number of cases proceed through the system accompanied by a sharp spike in the amount of time it takes bond cases to reach a resolution. I have an unparalleled work ethic and would volunteer to take cases from other Criminal Courts if our dockets are completed.

30. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

As a Judge, you take an oath to uphold the Constitutions of the United States and Tennessee, as well as the laws of this state. It is inappropriate for a Judge to exercise their personal, political or sociological beliefs from the bench. Judges do not make the law, rather, they are required to uphold and impartially implement laws passed by Congress or the Tennessee General Assembly.

As an attorney, I have always been an advocate for one side of an adversarial proceeding. This is a job that I take very seriously and have pride in my work product. I have zealously represented clients and protected their legal rights even though I may have a personal aversion to the acts they committed. I have had cases dismissed on procedural grounds although the underlying claims by the opposition may have been meritorious. At every court appearance, I am ethically advocating for my client's side of the facts and occasionally believe that the other side has just as much merit and that I could ethically argue that position just as easily. There have been occasions in my practice when I may disagree with a court's ruling and would have interpreted the law differently as the judge. In each instance, I respected the court's ruling. I acknowledge there are times when a law should be challenged and as an attorney I did so without hesitation. As a judge, my role would be a wholly neutral steward of the law and a champion of the process and its consistent application

REFERENCES

31. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

A. The Honorable Steve R. Dozier

B. Special Agent Jason D. Kane

C. Dr. Peter Rebeiro

D. Vivian Wilhoite

E. Senator Steve Dickerson

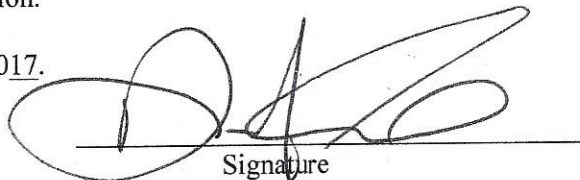
AFFIRMATION CONCERNING APPLICATION

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the [Court] Division II Criminal Court- 20th Judicial District of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: August 18, 2017, 2017.


Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



**TENNESSEE TRIAL COURT VACANCY COMMISSION
ADMINISTRATIVE OFFICE OF THE COURTS**

511 UNION STREET, SUITE 600
NASHVILLE CITY CENTER
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY
TENNESSEE BOARD OF JUDICIAL CONDUCT
AND OTHER LICENSING BOARDS**

WAIVER OF CONFIDENTIALITY

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Trial Court Vacancy Commission to request and receive any such information and distribute it to the membership of the Commission and to the Office of the Governor.

Dominic J. Leonardo

Type or Print Name

Signature

August 18, 2017

Date

#023308

BPR #

Please identify other licensing boards that have